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10/759,991	01/16/2004	Toshiaki Noguchi	17361	8684
23389 7590 07/25/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER				
RAPILLO, KRISTINE K				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/759,991

**Applicant(s)**

NOGUCHI ET AL.

**Examiner**

KRISTINE K. RAPILLO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/02)  
Paper No(s)/Mail Date 1/16/2004: 5/20/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

Claims 1 – 21 are pending.

#### *Notice to Applicant*

1. This communication is in response to the amendment submitted April 23, 2008. Claims 1 - 2, 10 - 12, 14, 19, and 21 are amended. Claims 1 - 21 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

2. The 35 USC 102 (e) rejection is hereby withdrawn based on the amendment submitted April 23, 2008.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 - 9, 13 - 18, and 20 - 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al. (U.S. Patent Publication Number 2003/0078810 A1) in view of Kuno (U.S. Patent Number 5,802,494).

In regard to claim 1, Cole et al. teaches a nursing work support system comprising: an information obtaining section for obtaining area information relating to a plurality of medical work areas (paragraph [0115]) where Cole et al. discloses an application in which locations are identified for patient occupation; and a portable terminal section carried by a nurse for communicating with the information obtaining section and acquiring area information relating to the plurality of medical work areas obtained by the information obtaining section (paragraph [0020]), and remotely operating said equipment

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(paragraph [0084]) where Cole et al. discloses a telemetry which indicates that equipment can be operated from remote locations.

Cole et al. fails to teach a system comprising at least one of said plurality of medical work areas having equipment.

Kuno teaches a system comprising at least one of said plurality of medical work areas having equipment (Figures 3 and 5) where medical equipment is shown in the depiction of a patient's room (i.e. medical work area).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system comprising at least one of said plurality of medical work areas having equipment as taught by Kuno, within the system of Cole et al., with the motivation of enabling a healthcare provider the ability to monitor a patient from a remote location (column 1, lines 49 – 53).

In regard to claim 2, Cole et al. teaches a nursing work support system according to claim 1 using a portable terminal (paragraph [0020]).

Cole et al. does not teach a system wherein the information obtaining section comprises: an area image-pickup section for capturing images of the medical work areas and an information transmission section for transmitting image information captured by the area image-pickup section to the portable terminal section.

Kuno teaches a system where an area image-pickup section for capturing images of the medical work areas (column 3, lines 33 – 35) where the medical work area is a sick room; and an information transmission section for transmitting image information captured by the area image-pickup section (column 4, lines 8 – 10).

The motivation to combine the teachings of Cole et al. and Kuno is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 3, Cole et al. teaches a nursing work support system according to claim 1, wherein the information obtaining section comprises: a plurality of information input terminals disposed in

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the plurality of medical work areas (paragraph [0020]); and an information managing section for managing information input by the plurality of information input terminals and transmitting same to the portable terminal section (paragraph [0020]).

In regard to claim 4, Cole et al. teaches a nursing work support system according to claim 1, wherein the plurality of medical work areas comprise at least an endoscopic examination room and an endoscope preparation room (paragraphs [0053], [0054], and [0074]). Cole et al. does not expressly show an endoscopic examination room or endoscope preparation room. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical work areas would include an examination room and preparation room regardless of the medical procedure.

In regard to claim 5, Cole et al. teaches a nursing work support system according to claim 2, wherein the plurality of medical work areas comprise at least an endoscopic examination room and an endoscope preparation room (paragraphs [0053] and [0054]).

Cole et al. does not expressly show an endoscopic examination room or endoscope preparation room. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical work areas would include an examination room and preparation room regardless of the medical procedure.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include any type of examination and preparation room because the type of room does not functionally relate to the system claimed and because the subjective interpretation of the rooms does not patentably distinguish the claimed invention.

In regard to claim 6, Cole et al. teaches a nursing work support system according to claim 3, wherein the plurality of medical work areas comprise at least an endoscopic examination room and an endoscope preparation room (paragraphs [0053], [0054], and [0074]). Cole et al. does not expressly show

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an endoscopic examination room or endoscope preparation room. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical work areas would include an examination room and preparation room regardless of the medical procedure.

In regard to claim 7, Cole et al. teaches a nursing work support system according to claim 4, wherein the plurality of medical work areas comprise at least a patient pre-examination waiting room and a patient post-examination recovery room (paragraphs [0051], [0055], and [0116]).

In regard to claim 8, Cole et al. teaches a nursing work support system according to claim 5, wherein the plurality of medical work areas comprise at least a patient pre-examination waiting room and a patient post-examination recovery room (paragraphs [0051] and [0052]).

Cole et al. does not expressly show an endoscopic examination room or endoscope preparation room. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical work areas would include an examination room and preparation room regardless of the medical procedure.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include any type of examination and preparation room because the type of room does not functionally relate to the system claimed and because the subjective interpretation of the rooms does not patentably distinguish the claimed invention.

In regard to claim 9, Cole et al. teaches a nursing work support system according to claim 6, wherein the plurality of medical work areas comprise at least a patient pre-examination waiting room and a patient post-examination recovery room (paragraphs [0051], [0055], [0116]).

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In regard to claim 13, Cole et al. teaches a nursing work support system according to claim 3, comprising an area use status display section for displaying information about the use status of each of the plurality of medical work areas (paragraph [0073]).

In regard to claim 14, Cole et al. teaches a nursing work support method comprising: an information obtaining step of obtaining area information relating to a plurality of medical work areas by means of an information obtaining section (paragraph [0115]); and an area information display step of communicating with the information obtaining section, remotely operating said equipment (paragraph [0084]), and displaying the area information relating to the plurality of medical work areas obtained in the information obtaining step, on a portable terminal section that can be carried by a nurse (paragraph [0020]).

Cole fails to teach a method comprising at least one of said plurality of medical work areas having equipment.

Kuno teaches a method comprising at least one of said plurality of medical work areas having equipment (Figures 3 and 5).

The motivation to combine the teachings of Cole et al. and Kuno is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 15, Cole et al. teaches a nursing work support method according to claim 14, using a portable terminal (paragraph [0020]).

Cole et al. does not teach a system wherein the information obtaining section comprises: an area image-pickup section for capturing images of the medical work areas and an information transmission section for transmitting image information captured by the area image-pickup section, to the portable terminal section.

Kuno teaches a system where an area image-pickup section for capturing images of the medical work areas (column 3, lines 33 – 35) where the medical work area is a sick room; and an information

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transmission section for transmitting image information captured by the area image-pickup section (column 4, lines 8 – 10).

The motivation for combining the teachings of Cole et al. and Kuno is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 16, Cole et al. teaches a nursing work support method according to claim 14, wherein the information obtaining step comprises: an information managing step of managing information input by a plurality of information input terminals disposed in the plurality of medical work areas, and transmitting same to the portable terminal section (paragraph [0020]).

In regard to claim 17, Cole et al. teaches a nursing work support method according to claim 14, wherein the plurality of medical work areas comprise at least an endoscopic examination room and an endoscope preparation room (paragraphs [0053], [0054], and [0074]). Cole et al. does not expressly show an endoscopic examination room or endoscope preparation room. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical work areas would include an examination room and preparation room regardless of the medical procedure.

In regard to claim 18, Cole et al. teaches a nursing work support method according to claim 17, wherein the plurality of medical work areas comprise at least a patient pre-examination waiting room and a patient post-examination recovery room (paragraphs [0051], [0055], and [0116]).

In regard to claim 20, Cole et al. teaches a nursing work support method according to claim 16, comprising an area use status display step of displaying information about the use status of each of the plurality of medical work areas (paragraph [0073]).



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In regard to claim 21, Cole et al. teaches a nursing work support system comprising: information obtaining means for obtaining area information relating to a plurality of medical work areas (paragraph [0115]); and portable terminal means carried by a nurse for communicating with the information obtaining means and acquiring area information relating to the plurality of medical work areas obtained by the information obtaining means (paragraph [0020]) and remotely operating said equipment (paragraph [0084]).

Cole et al. fails to teach a system comprising at least one of said plurality of medical work areas having equipment.

Kuno teaches a system comprising at least one of said plurality of medical work areas having equipment (Figures 3 and 5).

The motivation to combine the teachings of Cole et al. and Kuno is discussed in the rejection of claim 1, and incorporated herein.

5. Claims 10 – 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al. and Kuno, further in view of Hehenberger et al. (U.S. Patent Publication Number 2003/0083902 A1).

In regard to claim 10, Cole et al. teaches a nursing work support system according to claim 4.

Cole et al. and Kuno fail to teach a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device.

Hehenberger et al. teaches a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device (paragraphs [0030] and [0035]). Hehenberger et al. does not expressly show the sterilization of an endoscope. However, this difference is only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical equipment undergoing sterilization would include an endoscope based on the medical procedure.

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Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device as taught by Hehenberger et al. with the motivation of providing a system to sterilize medical equipment using an automated process via a computer network (paragraph [0006]).

In regard to claim 11, Cole et al. teaches a nursing work support system according to claim 5.

Cole et al. and Kuno fail to teach a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device.

Hehenberger et al. teaches a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device (paragraph [0028]). Hehenberger et al. does not expressly show the sterilization of an endoscope. However, this difference is only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical equipment undergoing sterilization would include an endoscope based on the medical procedure.

The motivation for combining the teachings of Cole et al., Kuno, and Hehenberger et al. is discussed in the rejection of claim 10, and incorporated herein.

In regard to claim 12, Cole et al. teaches a nursing work support system according to claim 6.

Cole et al. and Kuno fail to teach a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device.

Hehenberger et al. teaches a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device (paragraph [0028]). Hehenberger et

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al. does not expressly show the sterilization of an endoscope. However, this difference is only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical equipment undergoing sterilization would include an endoscope based on the medical procedure.

The motivation for combining the teachings of Cole et al., Kuno, and Hehenberger et al. is discussed in the rejection of claim 10, and incorporated herein.

In regard to claim 19, Cole et al. teaches a nursing work support system according to claim 17.

Cole et al. and Kuno fail to teach a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device.

Hehenberger et al. teaches a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device (paragraph [0028]). Hehenberger et al. does not expressly show the sterilization of an endoscope. However, this difference is only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical equipment undergoing sterilization would include an endoscope based on the medical procedure.

The motivation for combining the teachings of Cole et al., Kuno, and Hehenberger et al. is discussed in the rejection of claim 10, and incorporated herein.

### ***Response to Arguments***

6. Applicant's arguments filed April 23, 2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed April 23, 2008.

In response to Applicant argument, it is respectfully submitted that the Examiner has applied new passages and new citations to the amended claims. The Examiner notes that the amended limitations were not in the previously pending claims as such; Applicant's remarks with regard to the application of

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Cole et al., Kuno, and Hehenberger et al. references to the amended limitations are addressed in the above Office Action.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/Robert Morgan/  
Primary Examiner, Art Unit 3626